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October 9, 2002

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Commissioner for Patents
Washington, D.C. 20231

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Art Unit 2819

OCT 16 2002

Technology Center 2100

Re: U.S. Utility Patent Application
Appl. No. 09/986,683; Filed: November 9, 2001
For: **System, Method, and Computer Program Product for Remotely
Determining the Configuration of a Multi-Media Content User**
Inventor: Jody J. Shapiro
Our Ref: 1968.0030000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. List of cited references on Form PTO-1449 (3 sheets);
3. A copy of each reference cited on Form PTO-1449 (7 references); and
4. One (1) Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 9, 2002
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward W. Yee
Attorney for Applicants
Registration No. 47,294

EWY/dnk
Enclosures

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SKGF Rev. 2/15/02 dcw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jody J. Shapiro

Appl. No. 09/986,683

Filed: November 9, 2001

For: **System, Method, and Computer
Program Product for Remotely
Determining the Configuration of
a Multi-Media Content User**

Confirmation No. 5864

Art Unit: 2819

Examiner: *To be assigned*

Atty. Docket: 1968.0030000



Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

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Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not

be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97((b)). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1,97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was

first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

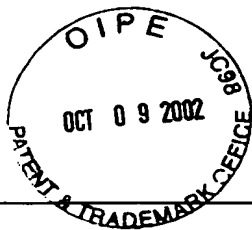


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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1968.0030000APPLICATION NO.
09/986,683APPLICANT
Jody J. ShapiroFILING DATE
November 9, 2001GROUP
2819

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
		AA1					
		AB1					
		AC1					
		AD1					
		AE1					
		AF1					
		AG1					
		AH1					
		AI1					
		AJ1					
		AK1					

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
		AL1					Yes No
		AM1					Yes No
		AN1					Yes No
		AO1					Yes No
		AP1					Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	1	"Broadcast Help," [retrieved August 20, 2002] at http://help.yahoo.com/help/us/bcst/ , 2 pages.
	AS	1	"BrowserHawk features and benefits," [retrieved August 20, 2002] at http://www.cyscape.com/products/bhawk/features.asp , 8 pages.
	AT	1	"Yahoo! Broadcast," [retrieved August 20, 2002] at http://broadcast.yahoo.com/home.html , 3 pages.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

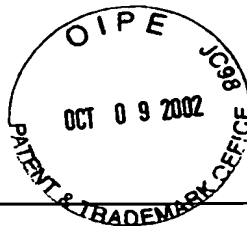
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	"Larry Bothillier's Streaming Media Player Detection Tutorial - Client-side code," [retrieved September 20, 2002] at http://www.emediacomunications.biz/sm5/sm5_clientcode.html , 4 pages.
AS	2	"Streaming Media Player/Connection Speed Detection Tutorial," [retrieved September 20, 2002] at http://www.emediacomunications.biz/sm5/index.html , 2 pages.
AT	2	Copy of a flowchart, [retrieved September 20, 2002] at http://www.emediacomunications.biz/sm5/playDetectFlow.gif , 1 page.

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	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	3	Copy of a flowchart, [retrieved September 20, 2002] at http://www.emediacommunications.biz/sm5/playerDataObjectUML.gif , 1 page.
AS	3	
AT	3	

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